

REMARKS

The Official Action dated November 18, 2004 has been received and its contents carefully noted. In view thereof, claim 4 has been canceled in its entirety without prejudice nor disclaimer of the subject matter set forth therein and claims 1 and 5 have been amended in order to better define that which Applicant regard as the invention. Accordingly, claims 1-3 and 5-10 are presently pending in the instant application.

Initially, Applicant wishes to acknowledge the Examiner's indication on page 3 of the Office Action that claims 4 and 5 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten form including all the limitations of the base claim and any intervening claims. In this regard, as can be seen from the foregoing amendments the subject matter of previous dependent claim 4 has been incorporated into independent claim 1 thereby rewriting dependent claim 4 in independent form. Accordingly, it is respectfully submitted that Applicant's claimed invention as set forth in independent claim 1 as well as those claims which depend therefrom is now in proper condition for allowance.

With reference now to paragraph 1 of the Office Action, the Applicant hereby confirms the election without traverse of Species A, Figs. 1-12 and claims 1, 3-10. However, in that claim 1 is now believed to be in proper condition for allowance and claim 2 is directly dependent thereon and includes all the limitations thereof, it is respectfully submitted that claim 2 is now likewise in proper condition for allowance. Accordingly, it is respectfully requested that claim 2 be reinstated by the Examiner and passed to issue along with independent claim 1.

With respect to paragraph 2 of the Office Action, claims 1, 3 and 6-10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication 57-41209. This rejection is respectfully traversed in that the Japanese Patent Publication neither discloses nor suggests that which is presently set forth by Applicant's claimed invention.

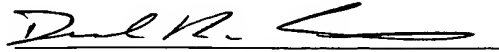
Again, as can be seen from the foregoing amendments, independent claim 1 has been amended to include the subject matter of previous dependent claim 4 which has been indicated as being allowable by the Examiner. Accordingly, it is respectfully submitted that independent claim 1 as well as those claims which depend therefrom are now in proper condition for allowance.

It is further noted that independent claim 1 previously recited a rear door, pivotally attached on a hinge, attached at a rear part thereof to the vehicle body so that the rear door is opened and closed. However, as can be seen from the foregoing amendments, independent claim 1 has been amended to recite a rear door which is movable between its closed position and its open position so that the rear door is opened and closed. While this recitation broadens the scope of the rear door as recited in independent claim 1, it is respectfully submitted that independent claim 1 including the subject matter of previous dependent claim 4 continues to define over the Japanese Patent Publication and is in proper condition for allowance.

Therefore, it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1, 3 and 5-10 be allowed, that dependent claim 2 be reinstated and likewise allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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